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SUBJECT: 'Majimbo' - Kenya Finds An Election Issue

REF: A. NAIROBI 4402; B. NAIROBI 4269; C. NAIROBI 4258;
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Summary

11. (SBU) The issue of federalism - 'majimbo' - has recently emerged as a main plank in the opposition platform and a topic of intense public debate. Majimbo proponents - which include both major opposition parties - claim that devolving power to Kenya's provinces will allow citizens more control over local development and will decrease income inequality. Majimbo opponents - led by President Kibaki's coalition party - counter that the proposal is a recipe for bureaucratic inefficiency and ethnic conflict. The idea of devolution has been around since independence but was never implemented. Kikuyus - President Kibaki's ethnic group and Kenya's largest - have never seen majimbo to be in their interest. Populist, ethnic exclusivist majimbo slogans were used in the 1990's to spark politically-motivated ethnic violence. Current majimbo proponents are trying to convince voters that this time, it will be different. Even without violence and ethnic exclusion, however, devolution on the scale described by 'majimbo' proponents would require a major restructuring of the Kenyan state, with all the upheaval that might entail. Whether opposition candidates Raila Odinga or Kalonzo Musyoka would ultimately be willing or able to radically decentralize Kenyan government is questionable. End Summary.

Majimbo as Federalism or Devolution

12. (SBU) 'Majimbo' is a Swahili word for 'regions' and most describe it as federalism or devolution from the current highly centralized political system. (Note: Kenya does have local administrative structures, but district and provincial commissioners are presidential appointees. Elected local councils have limited authority to manage services funded by local taxes and central government grants, like President Kibaki's popular Community Development Fund initiative which divests 7.5 percent of the government's budget to local administrative bodies. End Note.)

13. (SBU) Majimbo proponents say that devolution of power will allow citizens more control over local development and will improve income distribution. The devolution

model comes from the 2004 draft constitution (known as the Bomas Draft). The Bomas Draft mandated elected district governments with legislative and budgetary authority. (Comment: If implemented in its entirety the Bomas Draft would radically alter the manner in which Kenyans govern themselves, creating the U.S. equivalent of state governments where there were none and ultimately divesting a full 65 percent of the entire national budget to these state governments' coffers. End comment.) The Bomas draft was shelved by the Kibaki government and replaced by the Wako draft, named after the Attorney General who heavily diluted the decentralization aspects and other key components of the Bomas draft before submitting his version for a national referendum. That majimbo-free version was voted down in November 2005.

¶4. (SBU) The two most visible supporters of majimbo are the opposition presidential candidates, Orange Democratic Movement (ODM) leader Raila Odinga and Orange Democratic Movement - Kenya (ODM-K) leader Kalonzo Musyoka. Odinga claims that devolution is the only way to ensure equitable distribution of resources to marginalized communities. Musyoka, too, has focused on the economic benefits of devolution, calling majimbo 'economic federalism' and a way of allowing provinces to hold on to more of their own resources. Speaking at a rally in Coast Province in late October, Musyoka said that Central Province had benefited more from federal largesse than the Coast, even though Coast Province contributed far more to the federal treasury. This is a common complaint on the coast (ref A).

Majimbo as a Recipe for Ethnic Conflict

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¶5. (SBU) Opponents of majimbo - most prominently President Kibaki, running for re-election on a Party of National Unity (PNU) ticket - claim that a 'majimbo state' would promote tribalism, ethnic-based land grabbing, and other tensions.

¶6. (SBU) One reason for this fear is the long-standing political and economic dominance of the Kikuyu, the most populous ethnic group in Kenya (and President Kibaki's tribe). Unlike many of Kenya's other ethnic groups whose population is concentrated in their ancestral districts, the Kikuyu are spread throughout the nation. Many Kikuyu fear that conversion to a majimbo state will mean that they will be forced out of their land and businesses. A District Commissioner in Nyanza Province recently told PolOff that in his area, majimbo means "This is our tribe's area, so everyone else get out." (Note: Nyanza Province is predominantly Luo and home to ODM's Raila Odinga, himself a Luo. End Note.) Some ODM campaigners have encouraged this populist, and ethnic exclusivist view of majimbo, to the embarrassment of some of their more responsible comrades (ref B).

Majimbo's History: Inefficient and Divisive

¶7. (SBU) Kenya's first constitution, passed in 1963, contained provisions for local governance that had been advocated by the smaller tribes and white settlers; however, they were never fully implemented. The Kenya African National Union (KANU) party, which won Kenya's first post-independence elections, considered majimboism a threat to national unity. Scholars and politicians also criticized the 1963 majimbo provisions as hastily negotiated, without clear lines of responsibility, and full of unworkable and unfair provisions.

¶8. (SBU) Majimbo entered the public dialogue again in the early 1990's as opposition rose against the one-party

state under President Moi (an ethnic Kalenjin). To maintain Kalenjin dominance in the multi-party elections of 1992 and 1997, Kalenjin political leaders and their allies in the Rift Valley began a violent intimidation campaign that spread to the Coast province and left hundreds of Kikuyu dead and approximately 250,000 displaced. "Majimbo" was their rallying cry for anti-Kikuyu pogroms.

Is Devolution the Answer?

¶9. (SBU) Despite its troubled history, the idea of devolution has strong appeal to some voters, as the federal government has not traditionally allocated resources to the provinces in a fair and objective manner. While Kibaki's Constituency Development Fund (CDF) now allocates 7.5 percent of the government's total revenue to local constituencies for development projects, it is not always administered effectively or honestly. Also, a recent opinion poll funded by DfID and CIDA indicated 52 percent of respondents were dissatisfied with democratic practices at the local level. Seventy five percent of respondents indicated that they had never been involved in discussions on development issues at the local council level.

¶10. (SBU) Majimbo may or may not be the solution to problems of inadequate resource distribution. Critics point to the possibility that the creation of local government structures will add to bureaucracy and corruption without necessarily improving living standards. Others suggest that the same problems could be addressed using other approaches, including regional allocations for lucrative civil service jobs. Some of the poorer, sparsely populated and more remote regions would have great difficulty sustaining basic government services unless they receive supplementary funding disproportionate to their populations.

¶11. (SBU) Either way, Raila's campaign promise of a majimbo-focused constitutional change within six months

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of victory is not realistic, and only recently have his calls for majimbo been accompanied by any detailed proposal. Nevertheless, the government is stepping up to the challenge presented by promising to provide more money to the provinces. In its formal rejection of majimbo, a PNU advertisement promises to "hand more autonomy to communities" by "investing more through the CDF and other devolved funds with a proven record of performance."

¶12. (SBU) Majimbo is a potentially resonant campaign issue. A Steadman poll released on October 26 showed that only 22 percent of respondents agreed with the government's claim that majimbo is a recipe for ethnic divisions and tribal clashes. A slim majority (52 percent) view the term positively as a way for fair distribution of resources and devolution of power to the grassroots. The poll indicated that 40 percent of respondents oppose majimbo, 38 percent of respondents favor it, and 17 percent either did not know or did not understand the concept. Majimbo had the highest levels of support in Nyanza, Raila's home district, and the Rift Valley (57 and 52 percent respectively), and the lowest level of support in the Kikuyu-dominated Central Province (10 percent).

¶13. (SBU) ODM is attempting to win more support for its proposal by taking out two-page color ads in major newspapers explaining the Bomas-based devolution proposal and debunking "lies about devolution" (including that Kenyans will have to move back to their ancestral homelands).

¶14. (SBU) Comment: It will be difficult to separate the majimbo concept of fiscal and political devolution from its anti-Kikuyu associations, particularly given the fact that the two main presidential contenders - Kibaki and Odinga - are old hands at tribal politics. Looking beyond the election, however, ODM's recent attempt to recast the majimbo debate in non-ethnic terms combined with PNU's pledge to support a more scaled-down version of devolution could still result in a win for Kenyan voters - if one assumes that neither Raila Odinga or Kalonzo Musyoka would be willing or able to completely and immediately restructure the Kenyan state in line with their campaign promises. As for the periodic outbursts of ethnic chauvinism we have seen on the campaign trail in the name of majimbo, the Ambassador and senior Emboffs have responded publicly and repeatedly in condemnation of such incitement and will continue to do so. End Comment.

RANNEBERGER